

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL SHEEAN,

Plaintiff,

No. 18-11532

v.

District Judge George Caram Steeh  
Magistrate Judge R. Steven Whalen

CONVERGENT OUTSOURCING, INC.,

Defendant.

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**ORDER**

Before the Court is Plaintiff's motion for an order to show cause why Defendant should not be sanctioned for failure to comply with this Court's November 1, 2018 discovery order [Doc. #23].

On November 1, 2018, the Court entered an order directing Defendant to serve responses to Plaintiff's discovery requests within seven days. Defendant did not comply with that order, and to date has not produced the discovery responses.

Ordinarily failure to comply with the Court's discovery order would be sanctionable under Fed.R.Civ.P. 37. However, Defendant states that its lead attorney abruptly resigned from the Varnum law firm, stating that the attorney's "decision to stop practicing law for the foreseeable future was unexpected and with no appreciable notice to Varnum." *Defendant's Response* [Doc. #25], ¶3.

This attorney's resignation from the Varnum firm has resulted in the delay of discovery responses in other cases as well, and the Court is satisfied that the law firm is taking good-faith and diligent action to remedy the situation. The Defendant itself is not responsible for any delays. There would be no marginal punitive or deterrent value in

imposing monetary sanctions at this time. The goal is for the Plaintiff to obtain discovery within a reasonable time, and this Order will accomplish that goal.

Accordingly, Plaintiff's motion for show cause order [Doc. #23] is DENIED.

Defendant will serve responses to Plaintiff's discovery requests, and well as its initial disclosures, no later than December 14, 2018. Because responses to the interrogatories and document requests were not timely produced, objections to those discovery requests are deemed waived.

Defendant's failure to comply with this Order will result in sanctions under Rule 37.

IT IS SO ORDERED.

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: November 25, 2018

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#### CERTIFICATE OF SERVICE

I hereby certify on November 25, 2018, I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants on November 25, 2018.

s/Carolyn Ciesla  
Case Manager to  
Magistrate Judge R. Steven Whalen